Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	**CC Docket No. 95-116**
	)	
	)	

To the Commission:

Comments of:

TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.

Brazos Telecommunications, Inc.
Brazos Telephone Cooperative, Inc.
Cameron Telephone Company
Cap Rock Telephone Cooperative, Inc.
Central Texas Telephone Cooperative, Inc.
Coleman County Telephone Cooperative, Inc.
Colorado Valley Telephone Cooperative, Inc.
Comanche County Telephone Company, Inc.
Community Telephone Company, Inc.
Cumby Telephone Cooperative, Inc.
Dell Telephone Cooperative, Inc.
E.N.M.R. Plateau Communications, Inc.
Eastex Telephone Cooperative, Inc.
Electra Telephone Company
Etex Telephone Cooperative, Inc.
Five Area Telephone Cooperative, Inc.
Ganado Telephone Company, Inc.
La Ward Telephone Exchange, Inc.
Lake Livingston Telephone Company
Lipan Telephone Company
Livingston Telephone Company
Mid-Plains Rural Telephone Cooperative, Inc.
Nortex Communications, Inc.
North Texas Telephone Company
Panhandle Telephone Cooperative, Inc.
Peoples Telephone Cooperative, Inc.
Riviera Telephone Company, Inc.
Santa Rosa Telephone Cooperative, Inc.
South Plains Telephone Cooperative, Inc.
Tatum Telephone Company
Taylor Telephone Cooperative, Inc.
Wes-Tex Telephone Cooperative, Inc.
West Plains Telecommunications, Inc.
West Texas Rural Tel. Cooperative, Inc.
XIT Rural Telephone Cooperative, Inc.

Texas Statewide Telephone Cooperative, Inc. ("TSTCI") is an association representing nineteen (19) telephone cooperatives and sixteen (16) commercial companies who provide local exchange service in the State of Texas and are within the jurisdiction of the Public Utility Commission of Texas. A list of TSTCI member companies represented is on the cover sheet of this filing.

TSTCI submits these comments in response to the Commission's Further Notice of Proposed Rulemaking (FNPRM), released November 10, 2003, regarding technical impediments to wireless-to-wireline porting when the wireline facilities serving the customer requesting the port are not in the same rate center as the wireless number; regarding regulatory requirements that prevent wireline carriers from porting wireless numbers when the rate center associated with the number and the customer's physical location do not match; regarding other competitive issues arising from the mismatch of the wireless and wireline rate centers, and regarding porting interval.

TSTCI is not commenting at this time on the technical impediments to wireless-to-wireline porting when the wireline facilities serving the customer requesting the port are not in the same rate center as the wireless number. TSTCI reserves the right to address this issue in reply comments.

Regulatory Requirements Impeding Porting When Wireline and Wireless Rate Centers Do Not Match

TSTCI contends that there are major, complex regulatory impediments to requiring wireless-to-wireline porting when the rate center of the customer requesting the port does not match the physical location of the wireline company's facilities. Wireline regulation is based on physical location; state commission statutes and regulations are based on physical service area boundaries and physical location of customers; incumbent local exchange carrier (ILEC) revenue streams are derived from the routing and rating of calls according to physical location of called and calling parties.

If a wireless customer wished to port their number to a wireline carrier located in a different rate center, many problems would arise, and it is not at all clear how they would be addressed without major changes to ILEC regulatory requirements or provisioning. The porting-in wireline carrier would likely have a totally different calling scope than the porting-out wireless carrier. If the customer ported their wireless number to the wireline carrier, they would not be afforded the same calling scope as the other wireline customers in the rate center without the wireline carrier making many significant changes in rating, routing and billing. Absent the wireline carrier making these changes, the customer would retain the calling scope that they had with their wireless provider; it is likely that the customer would not be able to call his neighbors as a local call, and at the same time the customer may not be able to call other exchanges through existing extended area service arrangements that are provided to his neighbors. This would not be a reasonable situation and would be contrary to ILEC regulatory requirements.

In Texas, for example, Expanded Local Calling Service (ELCS) is a customer-initiated calling service that is provided by Texas statute. ELCS provides two-way, toll-free calling to designated exchanges within a 22-mile radius and certain community of interest features. When customers satisfy the criteria for implementing ELCS, ELCS becomes mandatory for all customers in the petitioning exchange, and all petitioning exchange customers are assessed a monthly rate for the service. ELCS traffic is routed over common ILEC trunk groups based on thousand block number assignments.

If the porting-in customer were not provided with the same mandatory expanded local calling service as the other wireline customers in the exchange, the porting-in ILEC would be in violation of Texas Public Utility Commission (PUC) statutes, rules and tariffs. To provide ELCS service to the porting-in customer in accordance with Texas PUC rules, laws and tariffs would require the ILEC to make changes to billing systems and routing functions that would be complex and costly to accommodate the porting-in customer. To fail to provide the porting-in customer with the same calling scope as the other customers in the exchange would put the ILEC in violation of Texas law, PUC rules and Texas PUC-approved tariffs as well as create major customer confusion. Since ELCS is widespread in Texas, this factor alone would make wireless-to-wireline porting when the rate centers do not match very burdensome for the small Texas ILECs and more importantly more confusing to Texas consumers.

As stated above, ILEC revenue streams are based on the physical location of the calling and called parties. Requiring wireless-to-wireline porting when the rate centers do not match creates huge challenges to the existing ILEC compensation process. TSTCI contends that these problems would not be easily overcome and that the cost to resolve them is likely to be far greater than the potential benefits to customers from expanded opportunities for porting.

In summary, ILEC regulatory requirements would require ILECs to make major routing, rating and billing system changes to accommodate wireless-to-wireline porting when there is rate center disparity between wireline and wireless carriers. The costs of implementing these changes would fall disproportionately on the ILECs. This would further exacerbate the competitive disadvantage of the ILEC industry already created by the Commission's wireline-to-wireless porting order. TSTCI believes that the most equitable way of resolving these problems is for the Commission to revise its wireless-to-wireline porting order and limit porting to situations where the wireless and wireline rate centers match. This would be in keeping with past recommendations and studies by the North American Numbering Council (NANC) and specifically with the report by the NANC LNPA Architecture Task Force that service provider portability be limited to moves within an ILEC rate center. [1]

If the Commission required porting only within the same rate centers for both wireless-to-wireline and wireline-to-wireless scenarios, the costs of porting for wireline companies would be significantly reduced as well as the competitive advantage provided to the wireless industry by the November 10, 2003 order. Looking at the overall picture, TSTCI believes that the benefits of limiting intermodal number portability to situations where rate centers match would well outweigh the comparatively minor benefits afforded to customers by permitting intermodal porting when rate center disparity exists.

Porting Interval

TSTCI urges the Commission **not** to shorten the current four-day porting interval for wireline carriers. TSTCI member companies rely on many manual processes for back office functions. In addition, TSTCI member companies do not have staff on call 24 hours a day and cannot afford

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[1] Section 7.3 of the NANC LNP Architecture and Administrative Plan report provides, "portability is technically limited to rate center/rate district boundaries of the incumbent LEC due to rating/routing concerns." North American Numbering Council, NANC-LNP Architecture Task Force, *Architecture and Administrative Plan For Local Number Portability,* Issue 1, Revision 3, 1997, Sec. 7.3, page 6.

to dedicate employees to the porting process since most employees are required to perform more than one function. For example, approximately one third of the 35 TSTCI member companies operate with 20 or fewer employees in total. TSTCI member companies for the most part have no experience with wireline-to-wireline LNP, and implementing wireless-to-wireline LNP will be a totally new experience. Consequently, it would be quite burdensome for member companies to reduce the current four-day porting interval, and TSTCI urges the Commission not to reduce it.

In fact, the current four-day interval is adequate for simple ports; complex ports, however, involving ISDN service or PBX numbers, may take even longer. TSTCI believes it would be best to allow carriers to negotiate the minimum porting interval for complex ports in their service agreements.

TSTCI urges the Commission to take into account the limited resources of the rural carriers and their lack of experience with LNP. TSTCI urges the Commission not to reduce the four-day interval for simple ports. In addition, TSTCI urges the Commission to provide the small ILECs with discretion to negotiate terms and conditions with wireless carriers for conducting complex ports.

In summary, given that wireline regulation is based on physical location, permitting rate center disparity in wireline-to-wireless and wireless-to-wireline porting creates a variety of problems for ILECs and thereby provides an additional competitive disadvantage to the wireless industry. TSTCI knows of no evidence indicating that giving customers the opportunity to port when rate centers do not match outweighs the problems and costs created for the wireline industry. From a practical perspective, rate center disparity creates relatively minor benefits for customers while creating major regulatory and provisioning problems for the already competitively disadvantaged wireline industry; TSTCI believes that allowing rate center disparity in the intermodal porting environment represents a zero-sum gain for U.S. telecommunications consumers.

With regards to porting interval, TSTCI believes the current four-day standard for the wireline industry for simple ports should be retained. Small ILECs lack the resources and experience with LNP to be able to reduce the four-day standard at this time.

TSTCI appreciates this opportunity to provide comments and to express the concerns of rural Texas ILECs.

Respectfully submitted,

Texas Statewide Telephone Cooperative, Inc.

Cammie Hughes

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